

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Roger Ashworth, #218399)	
)	
Petitioner,)	Civil Action No.: 6:11-cv-01472-JMC
)	
v.)	OPINION AND ORDER
)	
Warden Cartledge, McCormick C.I.,)	
)	
Respondent.)	
_____)	

This matter is before the court on the Magistrate Judge's Report and Recommendation ("Report") [Doc. 25]. The Magistrate Judge's Report, filed on February 1, 2012, recommends that Respondent's Motion for Summary Judgment [Doc. 17] be granted. The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Objections to the Report must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94

& n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Petitioner filed objections [Doc. 32] to the Magistrate Judge's Report. The court finds that Petitioner's objections to the Magistrate Judge's Report are not specific objections, but merely almost verbatim restatements of the arguments made in his response in opposition to Respondent's Motion for Summary Judgment and do not alert the court to matters which were erroneously considered by the Magistrate Judge. More specifically, Petitioner alleges that his plea counsel was ineffective in his representation of Petitioner because he always wanted a trial by jury, yet his counsel insisted that Petitioner enter a guilty plea; that the offense for which Petitioner was charged-Burglary First Degree-was not applicable to him because the State could not prove that the offense occurred in a dwelling place in which someone lived, that Petitioner had two or more prior convictions for burglary that would qualify for the enhancement to a charge for Burglary First Degree or that the offense occurred during the nighttime. Each of these objections was raised in response to Respondent's Motion for Summary Judgment [Doc. 17]. The court finds that the Magistrate Judge prepared an extensive and detailed Report and appropriately addressed Petitioner's arguments.

Accordingly, after a thorough review of the Magistrate Judge's Report and Recommendation [Doc. 25] and the record in this case, the court adopts the Report and Recommendation. Therefore, it is hereby ordered that Respondent's Motion for Summary Judgment [Doc. 17] is **GRANTED**.

IT IS SO ORDERED.



United States District Judge

March 19, 2012
Greenville, South Carolina